



Paper 11

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**MAY 15 2006**

**OFFICE OF PETITIONS**

In re Application of  
Karl Heinz-Schuster et al.  
Application No. 09/917,504  
Filed: July 27, 2001  
Attorney Docket Number: (Z) 99069 P US

ON PETITION

This is a decision on the "Petition to Reconsider Holding of Abandonment under 37 CFR 1.181 and MPEP 711.03", filed July 25, 2004 by the previous attorney of record.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED** as involving moot issues.

The application was held abandoned on September 2, 2003 for failure to timely file a response to the non-Final Office Action mailed May 29, 2003. No response having been filed, a Notice of Abandonment was mailed June 8, 2004.

Petitioner asserts that a response in the form of an amendment was mailed November 3, 2003 with a three month extension of time and credit card authorization for the extension of time fee. Provided as proof is a copy of the response and extension of time request, bearing a certificate of mail dated November 3, 2003.

A search of the application file and the USPTO records does not reveal receipt of the response, but in view of the evidence provided, the petition is compliant with 37 CFR 1.8(b) and accordingly, the abandonment is hereby withdrawn. No petition fee is necessary and none has been charged. However, the three month extension of time fee in the amount of \$950, \$258 for three independent claims over 3 and \$972 for 54 claims over 20 have all been charged to deposit account no. 06-1050 per the verbal authorization of Sean P. Daley (Reg. No. 40,978), attorney of record, on May 12, 2006 in a telephone conversation with the undersigned.<sup>1</sup>

In view thereof, treatment of the petition under 37 CFR 1.137(a) is unnecessary.

This matter will be referred to Technology Center 2873 for appropriate action on the response originally filed on November 3, 2003 and resubmitted with the instant petition on July 25, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

*Patricia Faison-Ball*  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup>At the time the decision was rendered, the deposit account for the previous attorney of record was insufficient to cover the extension of time and additional claim fees.